

Minutes
Air Pollution Control Board
Indiana Government Center South
Conference Room B
402 West Washington Street
Indianapolis, Indiana

December 6, 2000
1:16 p.m.

1. Mr. John Walker, Chairman, called the meeting to order. He noted that a quorum was present.

CALL TO ORDER
QUORUM

2. Chairman Walker introduced the board members.

INTRODUCTION OF
MEMBERS

Present: Mr. John Walker, Chairman
Mr. Thomas Anderson
Dr. Phil Stevens
Mr. Randy Staley
Dr. James Miner
Chris Horn
Marlow Harmon
Ms. Melanie Darke, Proxy, Lieutenant Governor
Mr. Howard Cundiff, Proxy, State Board of Health

Also present were Mr. Timothy Method, Deputy Commissioner; Ms. Janet McCabe, Assistant Commissioner; and Ms. Kathy Watson, Branch Chief. Others are recorded on a separate sheet and made a part of this record. A court reporter was present and a transcript is available for review.

3. Ms. McCabe reported on the NO_x SIP Call rule stating that it is expected to be brought to the board for consideration for preliminary adoption in February, 2001. A one-page handout describing highlights of the rule, including a list of key issues raised by the rule and a rulemaking calendar, was made available. Ms. McCabe mentioned a series of public meetings to be held in Jeffersonville, Gary, Evansville and Fort Wayne.

REPORTS

Ms. McCabe reported on the eight-hour ozone standard, stating that EPA is precluded by law from actually designating any areas as non-attainment under the eight-hour standard until legal

issues are resolved. EPA will make the final decision on designations when they are permitted to by law.

Ms. McCabe reported on a question raised at the October 4, 2000 board meeting related to the unavailability of a certain type of material that would comply with two of the specific limits that were included in the styrene rule. A one-page report by Mr. Greg Wingstrom, VOC and styrene expert, based on talks with a number of boat manufacturers and suppliers in the Elkhart area concludes that there are compliant coatings, both tooling resins and tooling gelcoats, available for most applications. Most manufacturers that Mr. Wingstrom contacted were comfortable that they were already in compliance with the rule or soon would be.

Mr. Paul Dubenetsky, Chief of the Air Permits, handed out an annual report to the Board regarding permitting activities. The report on Title V permits shows IDEM's permit issuance rate compared to the rest of Region 5. Indiana is one of the most successful states in the country in implementing the Title V program. In addition, for the past two years every new source review permit application that has been submitted to the office has been issued on time. Also, there have been no refunds of permit fees as a result. He expects to spend more money on training of staff to increase technical competency and reduce the effect of turnovers. The Title V program takes in \$10 million in fees a year to supplement the program. Mr. Dubenetsky reported that there is less than \$3 million in the Title V dedicated account, so no refunds will be given to people who paid their fees. He recommends no change in the fee amounts. Mr. Dubenetsky informed the board that there is a permits web page on the IDEM web site. He also reported on a proposal to develop general permits applicable to asphalt plants. In an effort to assure public participation in the permitting process notices of the proposed general permit for asphalt plants have printed in newspapers in ninety-two counties. Notice has also been published in the Indiana Register. Mr. Dubenetzky said that the department's website provides a brief overview of merchant power plants and a link to the Indiana Utility Regulatory Commission website. Finally, Indiana was one of the first states in the county to host a two-day workshop for citizens on the Title V program to enhance their ability to participate in the process of issuing Title V permits.

4. Chairman Walker introduced the August 2, 2000 Air Pollution Control Board minutes. **MINUTES**

Dr. Miner moved to adopt the August 2nd, 2000 Air Pollution Control Board's Minutes. Mr. Horn seconded. The motion passed unanimously.

Chairman Walker introduced the October 4th, 2000 Air Pollution Control Board minutes.

Mr. Staley moved to adopt the October 4th , 2000 Air Pollution Control Board minutes, and asked that the spelling of his name be corrected. Mr. Harmon seconded. The motion passed unanimously.

5. Chairman Walker introduced 326 IAC 2-2, Prevention of Significant Deterioration Permitting Rules, Exhibit 1A, the rule as preliminary adopted, and Exhibit 1B, the rule as preliminarily adopted and proposed for final adoption with suggested changes, into the record of the hearing.

**PUBLIC HEARING
FOR FINAL
ADOPTION OF
AMENDMENTS TO
RULE 326 IAC 2-2 ,
Prevention of
Significant
Deterioration
Permitting Rules**

Mr. Paul Dubenetsky, Chief of the Permits Branch of Office of Air Management, commented on the rulemaking by stating that the main purpose of the rulemaking is to adopt a PSD rule that is fully approved by EPA so that it could be approved as part of the state implementation plan. At the present time the PSD permit program is operated under a delegation of authority from EPA. This means that there are two administrative review procedures for a single permit. One is a federal review procedure that goes to Washington, DC and runs through a body known as the United States Environmental Appeals Board; the other is a state review procedure that runs through the Office of Environmental Adjudication. Mr. Dubenetsky stated that having a SIP approved program would mean that permit appeals would only have to go through the state appeal process. Mr. Dubenetsky reported on a number of issues raised at the August board meeting including: sources that emit mercury in Indiana; removing the term “federally” from the bigger term “federally enforceable” that’s used in the definition of “potential to emit”; taking a look at the way that certain pharmaceutical plants are classified under the PSD rule; thresholds for certain pollutants (asbestos and vinyl chloride); the use of different types of models specified in section 5(c) of the rule(section 5(c)(3) already requires that IDEM receive the written approval from EPA before any changes to accepted models are made); and, certain grandfathered provisions from 1980.

Ms. McCabe stated that there are no Class I designated areas in Indiana.

Mr. Bernie Paul, representing Eli Lilly and the Indiana Manufacturers Association, stated that they support the PSD program as IDEM has proposed except for IDEM’s position on the term “federally enforceable”.

Attorney Jim Hauck, Barnes and Thornburg, representing Bethlehem Steel Corporation, located in Porter County, commented on the rulemaking by stating that Bethlehem Steel supports IDEM getting SIP approval for the PSD program, but does not support IDEM’s position of the term “federally enforceable”.

Mr. Andy Knott, representing the Hoosier Environmental Council, commented on the rulemaking by stating support of the rule as it is written including the term “federally

enforceable”, support for lowering the limit for mercury from two hundred to fifty pounds per year under the term “significant” and by requesting that asbestos, beryllium, mercury and vinyl chloride be included under the definition of “significant”.

Mr. Anderson moved to adopt amendments to rule 326 IAC 2-2. Mr. Harmon seconded. The motion passed unanimously.

Mr. Anderson moved to final adopt rule 326 IAC 2-2, as amended. Mr. Cundiff seconded. The motion passed 8-0. Mr. Walker abstained from voting.

6. Chairman Walker introduced Exhibit 2, the draft rules, 326 IAC 8-12 and 326 IAC 20-26, National Emission Standards For Hazardous Air Pollutants applicable to Ship Building and Ship Repairs, into the record of the hearing.

Ms. Pat Daniel, Office of Air Management, Planning and Policy section, informed the board members that 326 IAC 20–26 will incorporate by reference federal emission standards for ship building and ship repair operations into state rules. 326 IAC 20-26 specifies emission limits for hazardous air pollutants associated with various categories of coatings such as, primers, paints, thinners, solvents and general coatings as well as specialty coatings. Work place standards are included in the rule such as the handling and transfer of containers that include HAP materials, and training for employees and staff of the facilities that handle these types of coatings. The second part of this proposed rule would amend 326 IAC 8-12, a rule that regulates emissions of volatile organic compounds, and would remove overlapping and duplicative requirements between 326 IAC 20-26 and 326 IAC 8-12 regarding reporting requirements, the record keeping requirements and some of the compliance procedures. Sources that are affected by both the VOC rule and the NESHAP will be required to meet the more stringent of the two requirements. Jeffboat is the only source affected by this rule. They requested some operational flexibility which is acceptable to EPA, and is provided for in the rule.

**PUBLIC HEARING
FOR PRELIMINARY
ADOPTION OF
AMENDMENTS TO
RULE 326 IAC 8-12
and NEW RULE 326
IAC 20-26, National
Emission Standards For
Hazardous Air
Pollutants from Ship
Building and Ship
Repairs**

Mr. Cundiff moved to preliminarily adopt amendments to rule 326 IAC 8-12 and new rule 326 IAC 20-26. Mr. Horn seconded. The motion passed unanimously.

7. Chairman Walker introduced Exhibit 3, the draft rules for amendment of 326 IAC 20-23, off-site waste and recovery operations; and new rules 326 IAC 20-33, pulp and paper production, noncombustion; 326 IAC 20-34, phosphoric acid manufacturing and phosphate fertilizers production; 326 IAC 20-35, tanks level 1; 326 IAC 20-36, containers; 326 IAC 20-37, surface impoundments; 326 IAC 20-38, individual drain systems; 326 IAC 20-39, closed vent systems, control devices, recovery devices and routing to a fuel gas system or a process; 326 IAC 20-40, equipment leaks control level 1; 326 IAC 20-41, equipment leaks control level 2 standards; 326 IAC 20-42, oil-water separators and organic-water separators; 326 IAC 20-43, storage vessels (tanks) control level 2; 326 IAC 20-44, generic maximum achievable control technology standards; 326 IAC 20-45, pesticide active ingredient; 326 IAC 20-46, mineral wool production; and 326 IAC 20-47, wool fiberglass manufacturing, into the record of the hearing.

Ms. Watson, Branch Chief, stated that this proposed rule would incorporate by reference NESHAPs for seven different categories. The proposed rule affects sixteen sources in Indiana. Sources affected by this rulemaking were listed on the fact sheet within the board packet. No changes had been made to the federal rules. The NESHAPs are effective federal rules and IDEM wants to incorporate them at the state level for the purpose of enforceability.

Mr. Anderson moved to preliminarily adopt the amendments to the rule 326 IAC 20-23 and new rules 326 IAC 20-47. Mr. Stevens seconded. The motion passed unanimously.

**PUBLIC HEARING OF
PRELIMINARY
ADOPTION OF
AMENDMENTS TO
RULES** 326 IAC 20-23, off-site waste and recovery operations; and new rules 326 IAC 20-33, pulp and paper production, noncombustion; 326 IAC 20-34, phosphoric acid manufacturing and phosphate fertilizers production; 326 IAC 20-35, tanks level 1; 326 IAC 20-36, containers; 326 IAC 20-37, surface impoundments; 326 IAC 20-38, individual drain systems; 326 IAC 20-39, closed vent systems, control devices, recovery devices and routing to a fuel gas system or a process; 326 IAC 20-40, equipment leaks control level 1; 326 IAC 20-41, equipment leaks control level 2 standards; 326 IAC 20-42, oil-water separators and organic-water separators; 326 IAC 20-43, storage vessels (tanks) control level 2; 326 IAC 20-44, generic maximum achievable control technology standards; 326 IAC 20-45, pesticide active ingredient; 326 IAC 20-46, mineral wool production; and 326 IAC 20-47, wool fiberglass manufacturing.

8. The next meeting is tentative scheduled for January 3, 2001 at 1:00 p.m., in the Government Center South, Conference Room C, Indianapolis, Indiana.

NEXT MEETING

9. Mr. Staley moved to adjourn the meeting. Mr. Anderson seconded the motion. Chairman Walker adjourned the meeting at 3:13 p.m.

ADJOURNMENT

John Walker, Chairman

Thomas Rarick, Technical Secretary

These minutes were taken from the December 6, 2000 transcript and were written on February 23, 2001 by Karol T. Chuma, Office of Air Quality.